

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WENDELL DWAYNE O'NEAL,)	
)	
Plaintiff,)	
)	CASE NO.: 2:18-cv-01677-RLB-BNW,
vs.)	
)	
ZURICH INSURANCE COMPANY INC.)	
ET AL.,)	
)	
Defendants.)	

**O'NEAL'S MOTION FOR LEAVE TO WITHDRAW (DOC. 97), BRIEF,
DUE TO FILING (DOC. 98), MEMORANDUM, AS AN AMENDMENT.**

I. INTRODUCTION,

This court's vexatious litigant order provides O'Neal shall not file any additional pleading without leave of the court¹. O'Neal motions for leave to withdraw (Doc. 97), Brief supporting an amended judgment because it was improperly identified and contained informational defects². Moreover, O'Neal timely filed a memorandum in place of the defective pleading that could not prejudice Defendants where it was submitted within a day or two³. This court should permit withdrawal of (Doc. 97) to prevent Appellee's vexatious litigant claim by reference to a defective pleading before by the Ninth Circuit Court of Appeals.

¹ *See, (Doc. 101), Vexatious litigant order.*

² *See, (Doc. 97), Brief in support of an amended judgment. FRCP. Rule 15(a)(c).*

³ *See, (Doc. 98), Memorandum supporting an amended judgment. Id.*

O'Neal awaits this court's ruling on the motion for an amended judgment and to vacate Appellee's dismissal and vexatious litigant orders because they were obtained by falsifying a valid rental car lease agreement and commercial coverage supporting third-party bad faith insurance claim and preclusion doctrine defenses according to DOI and DMV record information (Doc. 94), (Doc. 95-1)⁴. O'Neal has also motioned for consolidation of appeals before the Ninth Circuit Court of Appeals⁵.

MEMORANDUM OF POINTS & AUTHORITIES.

1. The federal rules of civil procedures provide for O'Neal to withdraw (Doc. 97) if filed in error. Moreover, the (Doc. 97) may be withdrawn due to containing information defects where the Defendants are not prejudiced or surprised as set forth within the introduction⁶.

SUMMATION AND ARGUMENT

The district court should grant leave for O'Neal to withdraw (Doc. 97) to avoid confusion relative to the memorandum (Doc. 98) supporting the motion for an amended judgment rather the improperly titled brief (Doc. 97).

⁴ See (Doc. 94), Motion, (Doc. 95-1), *Safe harbor warning for withdrawal of false testimonies. Also, see attached O'Neal's motion to hold the appeal in abeyance. O'Neal v Zurich Insurance Company Inc. et al*, Case: 21-16415, 08/31/2021, ID: 12216333, DktEntry: 3, Page 1 of 10

⁵ See O'Neal's motion to consolidate companion cases. *Id.* Case: 21-16415, 08/30/2021, ID: 12215636, DktEntry: 2, Page 1 of 14. FRE. Rule 201.

⁶ See, FRCP. Rule 15(a)(c).

The post-judgments pleadings are (Doc. 94), (Doc. 95), (Doc. 96), (Doc. 98). Therefore, O'Neal requests permission to withdraw (Doc. 97). *FRCP. Rule 15(a)(c)*.

REQUESTED RELIEF SOUGHT

WHEREFORE, O'Neal respectfully requests the district court to permit withdrawal of (Doc. 97) to prevent confusion relative to what document is intended to support the motion for an amended judgment and relief. O'Neal further requests any other relief deemed necessary under the above related circumstances.

CERTIFICATION

O'Neal hereby certifies under the penalties of perjury that the above related motion to withdraw (Doc. 97) content is accurate and truthful to the best of his own knowledge, information, and beliefs as required pursuant to *Rule 11*. Moreover, that the motion is submitted after a reasonable inquiry into how the Defendants obtained dismissal and vexatious litigant orders⁷. O'Neal hereby certifies that the above related information is accurate and truthful under the penalties of perjury. *FRCP. Rule 11(b)(2)*. Federal rules of appellate procedures require that this honorable court accept notice of appellate court filings. USCA. Am. 1, 5, 14; FRAP. Rule 3-4.

⁷ *See, (Doc. 94), Motion for an amended judgment; (Doc. 95), Exhibits showing Defendant's false testimonies to acquire current and prior judgments. (Doc. 96). Motion for sanctions; (Doc. 98), Memorandum; (Doc. 98-1), Exhibits showing the Nevada Highway Patrol Accident Report wherein Zurich is listed as providing coverage contrary to DMV subpoena response information.*

SERVICE TO THE DEFENDANTS

The Defendants received notification of this pleading when it was electronically filed for the court's consideration.

RESPECTFULLY SUBMITTED,
x/ *Wendell Dwayne O'Neal*,
WENDELL DWAYNE O'NEAL,
PLAINTIFF,
29711 COPPER RUN DRIVE,
HARVEST, ALABAMA 35749,
TX. 256-604-4364,
WENDELLONEAL@GMAIL.COM.

8/31/2021 2:06:16 PM

Order

IT IS ORDERED that ECF No. 105 is DENIED under Local Rule 7-2(d) for failure to cite any authority upon which the Court could rely to grant his motion. Additionally, this case has already been closed. See ECF No. 101.

IT IS SO ORDERED

DATED: 10:09 am, September 01, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE